

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 3, 4, 8, 9, 11, 12, 16, and 17, are pending in this application. Claims 3, 4, 8, 9, 11, 12, 16, and 17 were rejected under 35 U.S.C. §101. That rejection is traversed by the present response.

The grounds for rejection in the Office Action of August 2, 2007 under 35 U.S.C. §101 states:

The claimed invention of claims 9, and 17 would impermissibly cover every substantial practical application of, and thereby preempt all use of, an abstract idea, and therefore the claimed invention is non-statutory.¹

In maintaining the rejection, the Advisory Action of November 27, 2007 states:

“Thus, a claim that recites a computer that solely calculates a mathematical formula (see Benson) or a computer disk that solely stores a mathematical formula is not directed to the type of subject matter eligible for patent protection”.

Claims 9 and 17 are share the above defect. Claims 9 and 17 are not restricted to any particular art or technology, or to any particular apparatus or machinery, or to any particular end use and therefore non-statutory. For example, claims 9 and 17 are restricted to certain field of application such as “simulating a mechanism” and “executing kinematic simulation”, but these areas are very broad (e.g. simulating a mechanism could be used to simulate chemical, mechanical, electrical processes, etc). In this case, claims 9, and 17 cover every substantial practical application of, and thereby pre-empt all use of, an abstract idea, and therefore the claims are non-statutory.

In reply to the above-noted grounds for the rejection applicants first note the claims are amended by the present response to clarify features recited therein. Specifically, independent claim 9 now clarifies the three-dimensional mechanism model that is read “represent[s] a geometric constraint relationship between a plurality of mechanism elements included in said mechanism”. Independent claim 9 now also clarifies the kinematic

¹ Office Action of August 2, 2007, page 4, prenumbered paragraph 11 (original emphasis).

simulation is executed by “calculating a transformation matrix for each of said plurality of mechanism elements based on the data of the three-dimensional model”. Independent claim 17 is amended as an independent claim 9. Such claim amendments even further clarify the claims are not solely directed to calculating a mathematical formula, and the claims also clearly set forth concrete, useful, and tangible results realized by the claimed methods.

Moreover, applicants submit the outstanding rejection is improper as it still has not at all indicated what abstract idea is being completely pre-empted.

That is, the outstanding grounds for rejection is further traversed as it has not at all indicated in any manner what “abstract idea” the present invention is preempting all use of. As noted in M.P.E.P. §2106IV(C)(3), see M.P.E.P. page 2100-13,

Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable as they are the basic tools of scientific and technological work...One may not patent a process that comprises every “substantial practical application” of an abstract idea, because such a patent “in practical effect would be a patent on the [abstract idea] itself”... Thus, a claim that recites a computer that solely calculates a mathematical formula (see Benson) or a computer disk that solely stores a mathematical formula is not directed to the type of subject matter eligible for patent protection. If USPTO personnel determine that the claimed invention preempts a 35 U.S.C. 101 judicial exception, *they must identify the abstraction, law of nature, or natural phenomena and explain why the claim covers every substantial practical application thereof.* [Emphasis added].

Applicants submit clearly the outstanding rejection does not meet the requirement clearly established in the M.P.E.P. above that the Office Action must *identify the abstraction* and explain *why* the claim covers every substantial practical application thereof. The grounds for rejection is clearly a conclusory statement without any basis.

Moreover, applicant submit the claims clearly do not preempt all uses of any abstract idea.

Each of independent claims 9 and 17 clearly recites a feature of “executing a kinematic simulation” using “data representing a plurality of mechanism elements of a three-dimensional mechanism model”. Clearly such claimed features recite specific implementations of the claimed operations that would *not* preempt all use of an abstract idea. The outstanding rejection is not fully considering all the claimed features.

Moreover, applicants note that the claims as written are directed to operations that clearly set forth useful, concrete, and tangible results. The claims clearly recite executing a kinematic simulation based on specific information, which clearly sets forth a useful, tangible, and concrete result of the claimed operations.

In view of the foregoing comments, applicants respectfully submit the outstanding grounds for rejection has clearly not set forth any proper basis for a rejection under 35 U.S.C. §101, and further the claims as written are clearly directed to statutory subject matter under 35 U.S.C. §101.

In view of the foregoing comments, applicants respectfully submit the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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